

**REMARKS**

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully solicited.

In the Office Action under reply, claims 10, 11, 13-17 and 50-56 were found to be allowable. The subject matter of claims 4 and 44 likewise were deemed patentable; and these claims are rewritten here in independent form. Accordingly, claims 4-7, 10, 11, 13-17, 44-47 and 50-56 now are in condition for allowance.

Claims 1-3, 8, 9, 41-43, 48 and 49, all of the remaining claims, stand rejected as being obvious in view of the combination of Robinson, Matsushita and Yamamoto (Kokubu was added to this combination to reject claims 9 and 49). It is respectfully submitted that claims 1-3, 8, 9, 41-43, 48 and 49 are unobvious over the combined references because, as the Examiner found, these references, in combination, fail to teach that the switch used to prevent data stored in the storage device of the memory card from being erased is "disposed proximate said terminals ..." as recited in independent claims 1 and 41.

While the Examiner recognized this failure of the prior art to teach this limitation of Applicants' claims, he nevertheless contended,

"it would have been an obvious matter of design choice to relocate a switch to different locations on the card, since it appears the invention would perform equally well with the switch located proximate/on [sic] not proximate the terminals and relocating the switches does not serve any functional purpose not taught by the switch of the prior art..."

It is noted, the Examiner found no reference or prior art teaching to support his contention.

Applicants request the Examiner cite a prior art teaching or reference, or submit his own affidavit, to corroborate his opinion. See 37 CFR 1.104(d)(2). In any event, it is submitted that this contention is not correct.

Applicants' claimed switch, control circuit and terminals all are connected. To minimize pickup of spurious signals, such as rf signals, that could interfere with the proper operation of the claimed memory card, it is advantageous to minimize the length of conductor among the interconnected elements, thus making it important that the switch be disposed proximate the terminals, as claimed. Of course, the terminals of Applicants' memory card are located in the vicinity of the leading edge of the card to facilitate proper interconnection with a receptacle for the card. Hence, the claimed switch is proximate the terminals which, in turn are in the vicinity of the leading edge of the card. In Yamamoto, the switch is located remote from, as opposed to proximate, the card terminals, as clearly shown in Fig. 1. Similarly, in Robinson, the switch is located remote from the card terminals (the terminals are located in the leading edge of the card, but the switch is located in the trailing edge, which is as far as possible from the terminals). Matsushita is not even suggestive of a switch and, therefore, provides no teaching whatsoever of locating the switch proximate the card terminals.

Therefore, the logical teaching of the references relied upon by the Examiner is to locate the switch far from, indeed, as far as possible from the card terminals. This is the very opposite of Claims 1 and 41, which require the switch to be "disposed proximate said terminals." In view of the clear and specific teachings of the cited prior art, it is erroneous for the Examiner to contend, without any evidence, that the remote switches of the prior art should be proximate switches. That is, if the prior art clearly teaches that the switches should be remote from the terminals, why would it be obvious to reconstruct that prior art and place the switches proximate

the terminals? In the absence of a prior art teaching to do so, it must be concluded that claims 1 and 41 are unobvious over the cited references, and the rejection of these claims should be withdrawn.

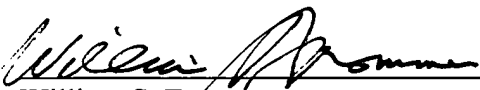
Since claims 2, 3, 8 and 9 depend from claim 1; and since claims 42, 43, 48 and 49 depend from claim 41, it follows that all of these dependent claims include the limitations recited by the independent claims. Thus, the dependent claims include the limitation that the switch is disposed proximate the terminals. As has been discussed above, this limitation is not suggested by the prior art; and the Examiner has found no reference or teaching that would make it obvious to modify the prior art on which he relies, resulting in placing the switch proximate the terminals. Thus, the dependent claims are unobvious for the same reasons discussed above in conjunction with claims 1 and 41.

Therefore, it is respectfully submitted that claims 1-3, 8, 9, 41-43, 48 and 49, all of the remaining rejected claims, are patentably distinct over the prior art and are in condition for allowance. An early notice to this effect is respectfully solicited.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our  
Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:   
William S. Frommer  
Reg. No. 25,506  
(212) 588-0800